

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
MARTINSBURG

FILED

OCT 20 2021

U.S. DISTRICT COURT-WVND  
MARTINSBURG, WV 25401

UNITED STATES OF AMERICA,

Plaintiff,

v.

DIANA TOEBBE,

Defendants.

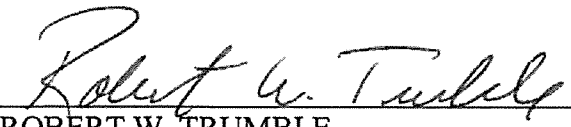
Case No.: 3:21CR 49-2  
(GROH)

**DUE PROCESS PROTECTIONS ACT ORDER**  
**TO ALL COUNSEL REGARDING BRADY**  
**OBLIGATIONS**

Pursuant to the Due Process Protections Act of 2020, the Court reminds the Government's attorneys that under Brady v. Maryland, 373 U.S. 83 (1963) and its progeny, failing to disclose favorable evidence to the accused violates due process where the evidence is material either to guilt or punishment. Further, consequences for a Brady violation can include, but are not necessarily limited to, a vacated conviction and disciplinary actions against the prosecutor.

The Clerk of Court is **DIRECTED** to transmit copies of this Order to all counsel of record herein.

**DATED:** 10-20-2021

  
ROBERT W. TRUMBLE  
UNITED STATES MAGISTRATE JUDGE